

submitted the following resolution; which was referred to the Committee on the Judiciary:

**S. RES. 275**

Whereas the people of the United States should celebrate children as the most valuable asset of the Nation;

Whereas children represent the future, hope, and inspiration of the United States;

Whereas the children of the United States should be allowed to feel that their ideas and dreams will be respected because adults in the United States take time to listen;

Whereas many children of the United States face crises of grave proportions, especially as they enter adolescent years;

Whereas it is important for parents to spend time listening to their children on a daily basis;

Whereas modern societal and economic demands often pull the family apart;

Whereas encouragement should be given to families to set aside a special time for all family members to engage together in family activities;

Whereas adults in the United States should have an opportunity to reminisce on their youth and to recapture some of the fresh insight, innocence, and dreams that they may have lost through the years;

Whereas the designation of a day to commemorate the children of the United States will provide an opportunity to emphasize to children the importance of developing an ability to make the choices necessary to distance themselves from impropriety and to contribute to their communities;

Whereas the designation of a day to commemorate the children of the Nation will emphasize to the people of the United States the importance of the role of the child within the family and society;

Whereas the people of the United States should emphasize to children the importance of family life, education, and spiritual qualities; and

Whereas children are the responsibility of all Americans and everyone should celebrate the children of the United States, whose questions, laughter, and tears are important to the existence of the United States: Now, therefore, be it

*Resolved, That—*

(1) it is the sense of the Senate that October 11, 1998, should be designated as "National Children's Day"; and

(2) the President is requested to issue a proclamation calling upon the people of the United States to observe "National Children's Day" with appropriate ceremonies and activities.

**AMENDMENTS SUBMITTED**

**CONSUMER BANKRUPTCY REFORM ACT OF 1998**

**D'AMATO AMENDMENT NO. 3560**

(Ordered to lie on the table.)

Mr. D'AMATO submitted an amendment intended to be proposed by him to the bill (S. 1301) to amend title 11, United States Code, to provide for consumer bankruptcy protection, and for other purposes; as follows:

At the appropriate place, insert the following new section:

**SEC. \_\_\_\_ . PROHIBITION OF CERTAIN ATM FEES.**

(a) **DEFINITION.**—Section 903 of the Electronic Fund Transfer Act (15 U.S.C. 1693a) is amended—

(1) in paragraph (10), by striking "and" at the end;

(2) in paragraph (11), by striking the period at the end and inserting a semicolon; and

(3) by adding at the end the following new paragraphs:

"(12) the term 'electronic terminal surcharge' means a transaction fee assessed by a financial institution that is the owner or operator of the electronic terminal; and

"(13) the term 'electronic banking network' means a communications system linking financial institutions through electronic terminals."

(b) **CERTAIN FEES PROHIBITED.**—Section 905 of the Electronic Fund Transfer Act (12 U.S.C. 1693c) is amended by adding at the end the following new subsection:

"(d) **LIMITATION ON FEES.**—With respect to a transaction conducted at an electronic terminal, an electronic terminal surcharge may not be assessed against a consumer if the transaction—

"(1) does not relate to or affect an account held by the consumer with the financial institution that is the owner or operator of the electronic terminal; and

"(2) is conducted through a national or regional electronic banking network."

**ABRAHAM AMENDMENT NO. 3561**

(Ordered to lie on the table.)

Mr. ABRAHAM submitted an amendment intended to be proposed by him to the bill, S. 1301, supra; as follows:

On p. 68, line 17, strike "." and insert the following: "unless the court, on request of the Debtor or Trustee and after notice and hearing, finds upon a showing supported by the preponderance of the evidence that: (A) the consideration paid by the Debtor in the transaction that supports the allowed claim was so disproportionate to the consideration received by the Debtor so as to render the transaction rescindable by the Debtor under applicable non-bankruptcy law, or (B) the transaction is rescindable by the Debtor under applicable non-bankruptcy law based on fraud or misrepresentation."

**GLENN AMENDMENT NO. 3562**

(Ordered to lie on the table.)

Mr. GLENN submitted an amendment intended to be proposed by him to the bill, S. 1301, supra; as follows:

On page 11, line 1, strike "\$624,019,000" and insert "\$625,019,000".

On page 11, line 2, after "herein," insert the following: "of which at least \$3,192,000 of the amounts made available for fish and wildlife management within the fisheries account shall be made available for aquatic nuisance control."

On page 77, line 5, strike "\$353,840,000" and insert "\$352,840,000".

On page 77, line 10, before the colon, insert the following: ", of which \$124,887,000 shall be made available for road reconstruction and construction activities".

**THE OLYMPIC AND AMATEUR SPORTS ACT AMENDMENTS OF 1998**

**MCCAIN AMENDMENT NO. 3563**

(Ordered to lie on the table.)

Mr. MCCAIN submitted an amendment intended to be proposed by him to the bill (S. 2119) to amend the Amateur Sports Act to strengthen provisions protecting the right of athletes to compete, recognize the Paralympics and growth of disabled sports, improve

the U.S. Olympic Committee's ability to resolve certain disputes, and for other purposes; as follows:

In lieu of the matter proposed to be inserted by the committee amendment, insert the following:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Olympic and Amateur Sports Act Amendments of 1998".

**SEC. 2. AMENDMENT OF TITLE 36, UNITED STATES CODE.**

Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 36, United States Code.

**SEC. 3. DEFINITIONS.**

Section 220501 is amended by—

(1) inserting "or paralympic sports organization" after "national governing body" in paragraph (1);

(2) redesignating paragraph (7) as paragraph (8); and

(3) inserting after paragraph (6) the following:

"(7) 'paralympic sports organization' means an amateur sports organization which is recognized by the corporation under section 220521 of this title."

**SEC. 4. PURPOSES.**

Section 220503 is amended by—

(1) striking "Olympic Games" each place it appears in paragraphs (3) and (4) and inserting "Olympic Games, the Paralympic Games,"; and

(2) striking paragraph (13) and inserting the following:

"(13) to encourage and provide assistance to amateur athletic programs and competition for amateur athletes with disabilities, including, where feasible, the expansion of opportunities for meaningful participation by such amateur athletes in programs of athletic competition for able-bodied amateur athletes; and"

**SEC. 5. MEMBERSHIP.**

Section 220504(b) is amended by—

(1) striking paragraphs (1) and (2) and inserting the following:

"(1) amateur sports organizations recognized as national governing bodies and paralympic sports organizations in accordance with section 220521 of this title, including through provisions which establish and maintain a National Governing Bodies' Council composed of representatives of the national governing bodies and any paralympic sports organizations and selected by their boards of directors or such other governing boards to ensure effective communication between the corporation and such national governing bodies and paralympic sports organizations;

"(2) amateur athletes who are actively engaged in amateur athletic competition or who have represented the United States in international amateur athletic competition within the preceding 10 years, including through provisions which—

"(A) establish and maintain an Athletes' Advisory Council composed of, and elected by, such amateur athletes to ensure communication between the corporation and such amateur athletes; and

"(B) ensure that the membership and voting power held by such amateur athletes is not less than 20 percent of the membership and voting power held in the board of directors of the corporation and in the committees and entities of the corporation;" and

(2) inserting a comma and "the Paralympic Games," after "Olympic Games" in paragraph (3).

**SEC. 6. POWERS.**

(a) **GENERAL CORPORATE POWERS.**—Section 220505(b)(9) is amended by striking "sued;

and" and inserting "sued, except that any civil action brought in a State court against the corporation shall be removed, at the request of the corporation, to the district court of the United States in the district in which the action was brought, and such district court shall have original jurisdiction over the action without regard to the amount in controversy or citizenship of the parties involved, and except that neither this paragraph nor any other provision of this chapter shall create a private right of action under this chapter; and".

(b) POWERS RELATED TO AMATEUR ATHLETICS AND THE OLYMPIC GAMES.—Section 220505(c) is amended by—

(1) striking "Organization;" in paragraph (2) and inserting "Organization and as its national Paralympic committee in relations with the International Paralympic Committee;"

(2) striking "Games and of" in paragraph (3) and inserting "Games, the Paralympic Games, and";

(3) striking "Games;" in paragraph (4) and inserting "Games, or as paralympic sports organizations for any sport that is included on the program of the Paralympic Games;"

(4) striking "Games," in paragraph (5) and inserting "Games, the Pan-American Games, the Pan-American world championship competition,"

#### SEC. 7. USE OF OLYMPIC, PARALYMPIC, AND PAN-AMERICAN SYMBOLS.

Section 220506 is amended by—

(1) striking "rings;" in subsection (a)(2) and inserting "rings, the symbol of the International Paralympic Committee, consisting of 3 TaiGeuks, or the symbol of the Pan-American Sports Organization, consisting of a torch surrounded by concentric rings";

(2) inserting "'Paralympic', 'Paralympiad', 'Pan-American', 'America Espirito Sport Fraternite,'" before "or any combination" in subsection (a)(4);

(3) inserting a comma and "International Paralympic Committee, the Pan-American Sports Organization," after "International Olympic Committee" in subsection (b);

(4) inserting "the Paralympic team," before "or Pan-American team" in subsection (b);

(5) inserting a comma and "Paralympic, or Pan-American Games" after "any Olympic" in subsection (c)(3);

(6) inserting a comma and "the International Paralympic Committee, the Pan-American Sports Organization," after "International Olympic Committee" in subsection (c)(4);

(7) inserting "AND GEOGRAPHIC REFERENCE" after "PRE-EXISTING" in subsection (d); and

(8) adding at the end of subsection (d) the following:

"(3) Use of the word 'Olympic' to identify a business or goods or services is not prohibited by this section where it is evident from the circumstances that the use of the word 'Olympic' refers to the geographical features or a region of the same name, and not a connection with the corporation or any Olympic activity.";

#### SEC. 8. RESOLUTION OF DISPUTES.

Section 220509 is amended by—

(1) inserting "(a) GENERAL.—" before "The corporation";

(2) inserting "the Paralympic Games," before "the Pan-American Games";

(3) inserting after "the corporation." the following: "In any lawsuit relating to the resolution of a dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, or the Pan-American Games, a court shall not grant injunctive relief against the

corporation within 21 days before the beginning of such games if the corporation, after consultation with the chair of the Athletes' Advisory Council, has provided a sworn statement in writing executed by an officer of the corporation to such court that its constitution and bylaws cannot provide for the resolution of such dispute prior to the beginning of such games.";

(4) adding at the end thereof the following:

"(b) OMBUDSMAN.—

"(1) The corporation shall hire and provide salary benefits and administrative expenses for an ombudsman for athletes, who shall—

"(A) provide independent advice to athletes at no cost about the applicable provisions of this chapter and the constitution and bylaws of the corporation, national governing bodies, paralympic sports organizations, international sports federations, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization, and with respect to the resolution of any dispute involving the opportunity of an amateur athlete to participate in the Olympic Games, the Paralympic Games, the Pan-American Games, world championship competition or other protected competition as defined in the constitution and bylaws of the corporation;

"(B) assist in mediating any such disputes; and

"(C) report to the Athletes' Advisory Council on a regular basis.

"(2)(A) The procedure for hiring the ombudsman for athletes shall be as follows:

"(i) The Athletes' Advisory Council shall provide the corporation's executive director with the name of one qualified person to serve as ombudsman for athletes.

"(ii) The corporation's executive director shall immediately transmit the name of such person to the corporation's executive committee.

"(iii) The corporation's executive committee shall hire or not hire such person after fully considering the advice and counsel of the Athletes' Advisory Council.

If there is a vacancy in the position of the ombudsman for athletes, the nomination and hiring procedure set forth in this paragraph shall be followed in a timely manner.

"(B) The corporation may terminate the employment of an individual serving as ombudsman for athletes only if—

"(i) the termination is carried out in accordance with the applicable policies and procedures of the corporation;

"(ii) the termination is initially recommended to the corporation's executive committee by either the corporation's executive director or by the Athletes' Advisory Council; and

"(iii) the corporation's executive committee fully considers the advice and counsel of the Athletes' Advisory Council prior to deciding whether or not to terminate the employment of such individual."

#### SEC. 9. AGENT FOR SERVICE OF PROCESS.

The text of section 220510 is amended to read as follows:

"As a condition to the exercise of any power or privilege granted by this chapter, the corporation shall have a designated agent in the State of Colorado to receive service of process for the corporation. Notice to or service on the agent, or mailed to the business address of the agent, is notice to or service on the corporation."

#### SEC. 10. REPORT.

(a) Section 220511(a) is amended to read as follows:

"(a) SUBMISSION TO PRESIDENT AND CONGRESS.—The corporation shall, on or before the first day of June, 2001, and every fourth year thereafter, transmit simultaneously to

the President and to each House of Congress a detailed report of its operations for the preceding 4 years, including—

"(1) a complete statement of its receipts and expenditures;

"(2) a comprehensive description of the activities and accomplishments of the corporation during such 4-year period;

"(3) data concerning the participation of women, disabled individuals, and racial and ethnic minorities in the amateur athletic activities and administration of the corporation and national governing bodies; and

"(4) a description of the steps taken to encourage the participation of women, disabled individuals, and racial minorities in amateur athletic activities."

(b) The chapter analysis for chapter 2205 is amended by striking the item relating to section 220511 and inserting the following:

"220511. Report."

#### SEC. 11. COMPLETE TEAMS.

(a) GENERAL.—Subchapter I of chapter 2205 is amended by adding at the end thereof the following:

##### "§ 220512. Complete teams

"In obtaining representation for the United States in each competition and event of the Olympic Games, Paralympic Games, and Pan-American Games, the corporation, either directly or by delegation to the appropriate national governing body or paralympic sports organization, may select, but is not obligated to select (even if not selecting will result in an incomplete team for an event), athletes who have not met the eligibility standard of at least one of the national governing body, the corporation, the International Olympic Committee, or the appropriate international sports federation, when the number of athletes who have met the eligibility standard of at least one of such entities is insufficient to fill the roster for an event."

(b) The chapter analysis for chapter 2205 is amended by inserting after the item relating to section 220511 the following:

"220512. Complete teams."

Section 220521 is amended by—

(1) striking the first sentence of subsection (a) and inserting the following: "For any sport which is included on the program of the Olympic Games, the Paralympic Games, or the Pan-American Games, the corporation is authorized to recognize as a national governing body (in the case of a sport on the program of the Olympic Games or Pan-American Games) or as a paralympic sports organization (in the case of a sport on the program of the Paralympic Games for which a national governing body has not been designated under subsection (e)) an amateur sports organization which files an application and is eligible for such recognition in accordance with the provisions of subsections (b) or (e) of this section.";

(2) striking "approved." in subsection (a) and inserting "approved, except as provided in subsection (e) with respect to a paralympic sports organization.";

(3) striking "hold a public hearing" in subsection (b) and inserting "hold at least 2 public hearings";

(4) striking "hearing." each place it appears in subsection (b) and inserting "hearings.";

(5) adding at the end of subsection (b) and following: "The corporation shall send written notice, which shall include a copy of the application, at least 30 days prior to the date of any such public hearing to all amateur sports organizations known to the corporation in that sport."

#### SEC. 13. ELIGIBILITY REQUIREMENTS.

Section 220522 is amended by—

(1) inserting "(a) GENERAL.—" before "An amateur";

(2) striking paragraph (4) and inserting the following:

“(4) agrees to submit to binding arbitration in any controversy involving—

“(A) its recognition as a national governing body, as provided for in section 220529 of this title, upon demand of the corporation; and

“(B) the opportunity of any amateur athlete, coach, trainer, manager, administrator or official to participate in amateur athletic competition, conducted in accordance with the Commercial Rules of the American Arbitration Association, as modified and provided for in the corporation's constitution and bylaws, upon demand of the corporation or any aggrieved amateur athlete, coach, trainer, manager, administrator or official,

If the Athletes' Advisory Council and National Governing Bodies' Council do not concur on any modifications to such Rules, and if the corporation's executive committee is not able to facilitate such concurrence, the Commercial Rules of Arbitration shall apply unless at least two-thirds of the corporation's board of directors approves modifications to such Rules;”

(3) striking paragraph (10) and inserting the following:

“(10) demonstrates, based on guidelines approved by the corporation, the Athletes' Advisory Council, and the National Governing Bodies' Council, that—

“(A) its board of directors and other such governing boards have established criteria and election procedures for and maintain among their voting members individuals who are actively engaged in amateur athletic competition in the sport for which recognition is sought or who have represented the United States in international amateur athletic competition within the preceding 10 years; and

“(B) any exceptions to such guidelines by such organization have been approved by the corporation, and that the voting power held by such individuals is not less than 20 percent of the voting power held in its board of directors and other such governing boards;”

(4) inserting “or to participation in the Olympic Games, the Paralympic Games, or the Pan-American Games” after “amateur status” in paragraph (14); and

(5) adding at the end thereof the following:

“(b) **RECOGNITION OF PARALYMPIC SPORTS ORGANIZATIONS.**—For any sport which is included on the program of the Paralympic Games, the corporation is authorized to designate, where feasible and when such designation would serve the best interest of the sport, and with the approval of the affected national governing body, a national governing body recognized under subsection (a) to govern such sport. Where such designation is not feasible or would not serve the best interest of the sport, the corporation is authorized to recognize another amateur sports organization as a paralympic sports organization to govern such sport, except that, notwithstanding the other requirements of this chapter, any such paralympic sports organization—

“(1) shall comply only with those requirements, perform those duties, and have those powers that the corporation, in its sole discretion, determines are appropriate to meet the objects and purposes of this chapter; and

“(2) may, with the approval of the corporation, govern more than one sport included on the program of the Paralympic Games.”

#### SEC. 14. AUTHORITY OF NATIONAL GOVERNING BODIES.

Section 220523 is amended by—

(1) striking “Games and” in paragraph (6) and inserting “Games, the Paralympic Games, and”; and

(2) striking “Games and” in paragraph (7) and inserting “Games, the Paralympic Games, and”.

#### SEC. 15. DUTIES OF NATIONAL GOVERNING BODIES.

Section 220524 is amended by—

(1) redesignating paragraphs (4) through (8) as paragraphs (5) through (9); and

(2) inserting after paragraph (3) the following:

“(4) disseminate and distribute to amateur athletes, coaches, trainers, managers, administrators, and officials in a timely manner the applicable rules and any changes to such rules of the national governing body, the corporation, the appropriate international sports federation, the International Olympic Committee, the International Paralympic Committee, and the Pan-American Sports Organization;”

#### SEC. 15. REPLACEMENT OF NATIONAL GOVERNING BODY.

Section 220528 is amended by—

(1) striking “Olympic Games or both” in subsection (c)(1)(A) and inserting “Olympic Games or the Paralympic Games, or in both”;

(2) striking “registered” in subsection (c)(2) and inserting “certified”;

(3) striking “body.” in subsection (c)(2) and inserting “body and with any other organization that has filed an application.”;

(4) inserting “open to the public” in subsection (d) after “formal hearing” in the first sentence;

(5) inserting after the second sentence in subsection (d) the following: “The corporation also shall send written notice, including a copy of the application, at least 30 days prior to the date of the hearing to all amateur sports organizations known to the corporation in that sport.”; and

(6) striking “title.” in subsection (f)(4) and inserting “title and notify such national governing body of such probation and of the actions needed to comply with such requirements.”

#### SEC. 16. SPECIAL REPORT TO CONGRESS.

Five years from the date of the enactment of this Act, the United States Olympic Committee shall submit a special report to the Congress on the effectiveness of the provisions of chapter 2205 of title 36, United States Code, as amended by this Act, together with any additional proposed changes to that chapter the United States Olympic Committee determines are appropriate.

### AUTHORITY FOR COMMITTEES TO MEET

#### COMMITTEE ON AGRICULTURE, NUTRITION, AND FORESTRY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Agriculture, Nutrition, and Forestry be allowed to meet during the session of the Senate on Thursday, September 10, 1998. The purpose of this meeting will be to consider the nomination of Michael Reyna to be a member of the Farm Credit Administration Board.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON COMMERCE, SCIENCE, AND TRANSPORTATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Communications Subcommittee of the Senate Committee on Commerce, Science, and Transportation be authorized to meet on Thursday, September 10, 1998, at 9:30 a.m. on international satellite reform.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON ENERGY AND NATURAL RESOURCES

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Energy and Natural Resources be granted permission to conduct a meeting to receive testimony on S. 2385, a bill to establish the San Rafael Swell National Heritage Area and the San Rafael National Conservation Area in the State of Utah during the session of the Senate on Thursday, September 10, 1998, at 2 p.m. in Room SD-366.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FINANCE

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Finance be permitted to meet Thursday, September 10, 1998 beginning at 10 a.m. in room SD-215, to conduct a markup.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON FOREIGN RELATIONS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on Thursday, September 10, 1998 at 10 a.m. and 2 p.m. to hold two hearings.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON THE JUDICIARY

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on the Judiciary, be authorized to hold an executive business meeting during the session of the Senate on Thursday, September 10, 1998, to be immediately following the 12 o'clock vote, off the floor, in room S216, the Presidents room of the United States Capitol Building.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### COMMITTEE ON RULES AND ADMINISTRATION

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Committee on Rules and Administration be granted permission to conduct a meeting to mark up S. 2288, the Wendell H. Ford Government Publications Act of 1998 during the session of the Senate on Thursday, September 10, 1998 at 9:30 a.m. in room SR-301.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SPECIAL COMMITTEE ON AGING

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Special Committee on Aging be permitted to meet on September 10, 1998 at 9 a.m. to 4 p.m. in Dirksen 628 for the purpose of conducting a hearing and forum.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SUBCOMMITTEE ON ADMINISTRATIVE OVERSIGHT AND THE COURTS

Mr. McCONNELL. Mr. President, I ask unanimous consent that the Subcommittee on Administrative Oversight and the Courts of the Committee